



United States
Department of
Agriculture

Record of Decision



Forest
Service

Beartooth Travel Management

Beartooth Ranger District
Custer National Forest

Carbon, Stillwater, Sweet Grass, and Park Counties of Montana

June 2008



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1. INTRODUCTION

This Record of Decision (ROD) documents my decision and rationale on the Beartooth Ranger District Travel Management Planning project (Project) on the Beartooth Ranger District (District), Custer National Forest (Forest). The Project involves proposals to change motorized and non-motorized travel management on the District and a non-significant amendment of the Custer National Forest Land and Resource Management Plan (Forest Plan). I have selected Alternative B Modified as described and analyzed in the Final Environmental Impact Statement for the Project.

Travel management planning, or management of roads and trails, has received increasing attention in the last decade within the Forest Service. This increased attention is largely the result of increased use of National Forests for recreation purposes. Increased forest visitation has led to concerns that much of this increased use is unmanaged and may be causing undesirable resource and social impacts.

One of the initial activities on the Custer National Forest (Forest) related to the recent travel management focus was to inventory motorized and non-motorized routes. This effort was intended to establish a baseline for future analyses. The Forest undertook this work during 1999 and 2000. This effort was in preparation of the Northern Region of the Forest Service's (Region) analysis of cross-country vehicle use. In 2001, the Region distributed the Tri-State Off-Highway Vehicle Decision (2001 Tri-State OHV Decision) based on that analysis. The primary focus of the decision was to eliminate unmanaged motorized cross-country vehicle use.

During this time, the Forest Service also provided a national framework for conducting roads analyses. The Forest Scale Roads Analysis for the Custer National Forest (see Project Record) was completed on the Forest in January, 2003 based on this framework. The report highlighted potential impacts of roads and/or motorized access on wildlife, water quality, cultural resources; right-of-way issues; and potential changes to road management objectives.

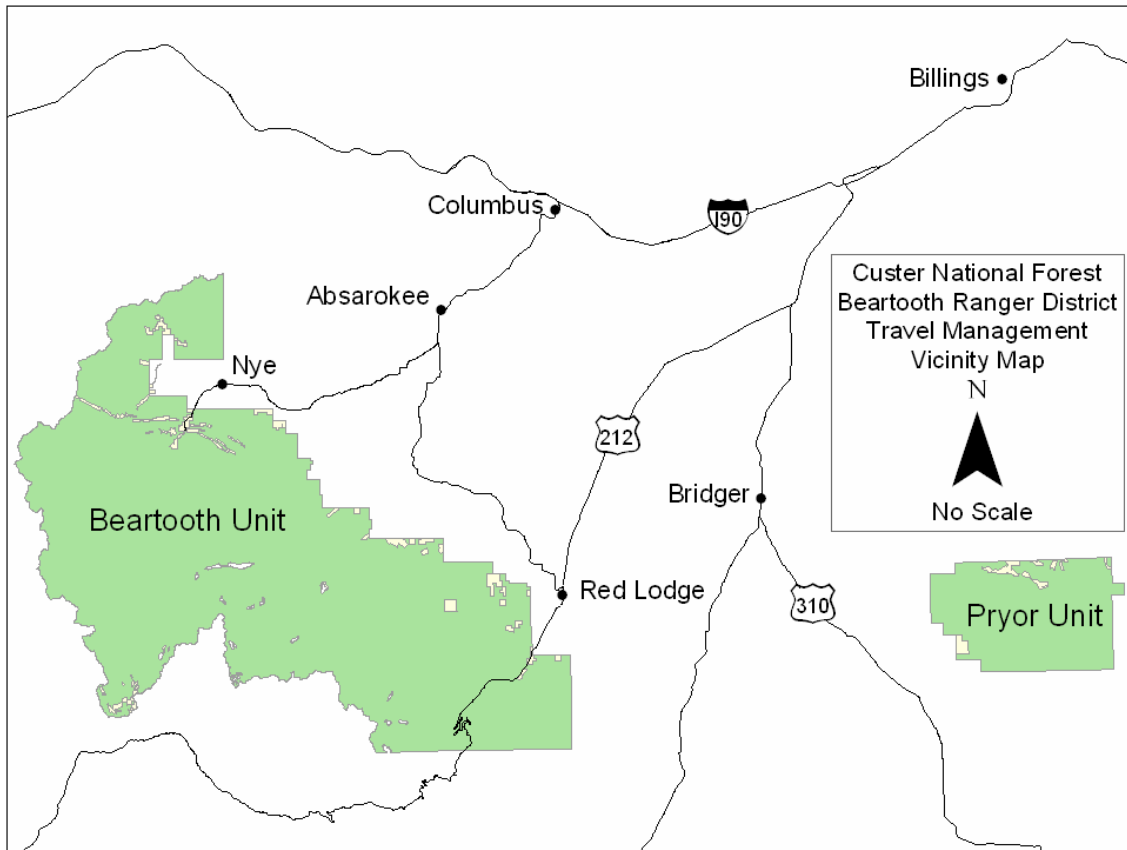
The Beartooth Ranger District (District) initiated District-wide travel management planning in response to both the 2001 Tri-State OHV Decision and the Forest Scale Roads Analysis by issuing a Travel Management Planning Proposed Action in 2004. The key findings in the Forest Scale Roads Analysis report were used in the development of this proposal. The following year the Forest Service finalized the 2005 Motorized Travel Rule that outlined a process for motorized travel management planning to be used by all National Forests. The direction contained in the 2005 Motorized Travel Rule was incorporated into the District's ongoing travel management analysis and a draft environmental impact statement (DEIS) was distributed for public review in 2007. The information gathered from each of these efforts and the public involvement on these projects was used to prepare this final environmental impact statement (FEIS) for travel management planning on the District.

All figures, facts, numbers, etc. in this ROD and the FEIS are approximate and based on the best available information.

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1.1 GENERAL LOCATION AND GEOGRAPHIC SETTING

The analysis area included the entire Beartooth Ranger District, situated in south-central Montana, and which is composed of two separate and unique geographic Units. The Beartooth Unit consists of approximately 512,943 acres of National Forest System lands. Approximately thirty miles to the east is the Pryor Unit which consists of approximately 74,932 acres of National Forest System lands (see Vicinity Map).



The Beartooth Unit is well known for its portion of the Absaroka-Beartooth Wilderness and for being a part of the geographic region known as the Greater Yellowstone Ecosystem. The unit is located approximately 60 southwest of Billings, a city of roughly 100,000 residents. This unit shares boundaries with the Gallatin National Forest on the west and has some common boundary with the Shoshone National Forest in Wyoming to the south – each of which has common boundaries with Yellowstone National Park (Yellowstone). The Beartooth All American Highway, which runs through this unit, is often referred to as a gateway to Yellowstone. The Beartooth Unit has plant and animal species commonly associated with the Yellowstone including grizzly bear, wolves, lynx, and mountain goats. The Absaroka-Beartooth Wilderness comprises 65% or 332,490 acres of the District. Travel management on the Beartooth Unit could be characterized as more “controlled” than the Pryor Unit in the respect that management on the majority of the unit is shaped by management direction for Wilderness, research natural areas, and recommended Wilderness management areas.

The Pryor Unit contains the southern portion of the Pryor Mountain Range, and is located approximately 50 miles south of Billings, MT. The unit is bordered on the north by the Crow Reservation. The entire south boundary and the majority of the east and west boundaries are shared with the BLM. Minor portions of the east and west boundaries border private lands.

1.2 PURPOSE AND NEED

The *purpose* of this project is to: 1) identify routes for public motorized use on the District, 2) provide for a variety of motorized and non-motorized opportunities, 3) minimize or mitigate impacts on natural and cultural resources, and 4) have enforceable travel management guidelines.

District-wide travel planning was last addressed in 1987. Since that time, changes in land management policies, increases in use and demand for recreation opportunities, new developments and improvements in recreation-related technology, and increases in concerns about travel-related impacts to natural resources have occurred. These events, which are explained in detail in Chapter 2 of the FEIS, have led to the *need* to re-examine travel management planning on the District; they include:

- 2001 Tri-State Off-Highway Vehicle Decision – This decision committed Forest’s to site-specific analysis of motorized routes; there is a need to comply with this decision.
- 2005 Motorized Travel Rule – This rule included direction on designating motorized routes and a related agency commitment to implement the rule by the end of October, 2009; there is need to comply with the rule and timeline.
- Unmanaged Recreation Use – Unmanaged recreation was identified as one of four threats to National Forests by the former Chief of the Forest Service; there is a need to evaluate unmanaged recreation related to visitor travel to identify and minimize effects.
- Enforcement of Travel Management Restrictions – Procedural issues, inconsistencies, and lack of a map associated with the District’s 1987 Travel Plan have hampered law enforcement; there is a need to clarify travel management decisions to enhance law enforcement.
- Roads in Developed Recreation Areas – Many routes within developed recreation areas are non-system routes; these need to be converted to National Forest System roads to be designated for public use.

1.3 PROPOSED ACTION

The *Beartooth Ranger District Travel Management Proposal* (Proposal) was distributed in 2004. The Proposal reflected the guidance at that time to include all system and non-system roads and trails in the proposal and display the intended use for all of them. In other words, the Proposal contained routes where changes were proposed and routes where no changes were proposed. The following year the agency finalized the 2005 Motorized Travel Rule. Guidance associated with this Rule recommended that travel management proposals focus on proposed changes to the system so that the public, responsible official and the interdisciplinary team can focus on those areas where changes are proposed. This was different than the approach used to prepare the Proposal.

To comply with the 2005 Motorized Travel Rule, the 2004 proposed action was re-formatted. As a part of this re-formatting effort, the Forest Service went through the original proposed action to

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determine if each of the proposed actions was reasonable and still desirable, and supplemented rationale for proposed actions wherever appropriate. A limited number of actions were dropped because conditions or use had changed, or the original basis for the proposal was not clear and could not be substantiated. Consequently, the original proposed action was dropped from further analysis (see FEIS Chapter 2). However, the proposed action was the basis for Alternative B and represents the re-formatting effort, updates, and input that transpired between distribution of the 2004 proposed action and the 2007 DEIS. Specific actions associated with Alternative B are contained in Appendix C, Table C-2, of the FEIS and include the following types of actions that the Forest Service is proposing to implement:

- Designate a system of roads and trails on the District for motorized public use.
- Designate the type of vehicle and season of use for each system road and motorized system trail.
- Change certain system roads to motorized trails or mixed motorized use roads.
- Change certain unauthorized (non-system) routes to system roads and/or system trails that address administrative, utilization, or protection needs.
- Change certain system road, non-system routes, and motorized system trails to non-motorized system trails.
- Identify those system roads and non-system routes to be used for administrative use only.
- Designate dispersed vehicle camping along motorized routes.
- Change system roads for which there is no administrative, utilization, or protection need identified to Maintenance Level 1 system roads available for potential decommissioning in the future.

The Forest Plan would be amended to change guidance related to public route designation and restrictions on the District in order to be in compliance with the decisions made in this Record of Decision (ROD). These proposed amendments can be found in Appendix B of the FEIS. They generally involve removing site-specific management direction related to a few specific routes. Management of these routes in the future would be through site-specific decisions that would be reflected in Motor Vehicle Use Map (MVUM). The proposed amendments to the Forest Plan are considered non-significant and would not require Regional Forester approval to implement.

2. DECISION AND RATIONALE

2.1 *DECISION*

Based on my review of all the alternatives and input from interested publics, I have decided to select Alternative B Modified, which was developed in response to public comments on the DEIS. This decision includes the following details specific to Alternative B Modified.

2.1.1 **Motorized System Routes**

This decision designates for public motorized use the existing system roads and motorized trails on the District that are currently available for public use, with the following changes to the system:

1. Some unauthorized (non-system) routes will be converted to system roads and trails, which are identified in the Alternative B Modified table of Appendix C of the FEIS.

2. Some routes will become Maintenance Level 1 routes that are candidates for future decommissioning if no administrative, utilization, or protection need for the routes was identified. These are identified in the Alternative B Modified table of Appendix C of the FEIS.
3. Some routes will be reserved for administrative use only, which are also identified in the Alternative B Modified table of Appendix C of the FEIS.

The season of use on all motorized routes will be yearlong unless a different season of use has been identified for a specific route in the Alternative B Modified table of FEIS Appendix C.

The type of vehicle designated for system roads will be highway legal vehicles, except where motorized mixed use has been identified in the Alternative B Modified table of Appendix C of the FEIS.

The type of vehicle designation for motorized system trails will be either open to all off-highway vehicles, open to vehicles less than 50 inches, or open only to motorcycles as specified in the Alternative B Modified table of Appendix C of the FEIS.

Dispersed vehicle camping is designated District-wide along designated motorized routes, with the exception of: 1) the Main Fork of Rock Creek Road (#2124) where dispersed camping will be limited to existing sites that are not causing unacceptable resource damage as described and identified in Appendix D for Alternative B Modified, 2) where precluded by Forest Plan direction or Forest Orders (for example, where the Forest Plan prohibits camping within 100 feet of streams in the West Fork of Rock Creek drainage).

My decision also includes contingent designations for:

1. A portion of the Punchbowl Road (# 2144), Picket Pin Spur (#21407), Burnt Mountain (#21415): These routes would be designated for public motorized use when measures to address the resource concerns associated with these routes (further described in the FEIS) have been implemented.
2. Burnt Mountain (#21415): This route would be identified for administrative use once measures to address the resource concerns associated with this route (further described in the FEIS) have been implemented.
3. Routes in the vicinity of the upper end of the Benbow area and Stillwater Plateau Trailhead (#2414 [only .8 miles], #20142, #20144, #20144B): These routes would be designated for public motorized use when legal (public) access to these routes has been obtained.

2.1.2 Non-Motorized Routes

This decision includes minor changes to the non-motorized trail system. Mechanized use of Red Lodge Creek Trail (#14) would be prohibited to reduce potential for mechanized Wilderness intrusion. Two system roads, Rankin Homestead (#2141C) and .69 miles of Meyers Creek/Lodgepole Road (#2142) would be converted to non-motorized system trails. Approximately 3.26 miles of non-system routes would be added to the non-motorized trail system, including trails: #83; #2142A; #30 (#21041); and #3A.

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2.1.3 Forest Plan Amendment

The 1986 Forest Plan will be amended to change guidance related to public road designation and restrictions on the Beartooth Ranger District per route specific decisions in this ROD. These amendments are displayed in Appendix B of the FEIS.

2.1.4 Forest Orders

Any existing forest orders that are not consistent with the decision made in this ROD, such as the Forest Order for the 1987 Travel Plan, will be rescinded. Any new forest orders that are necessary for implementation of the decision in this ROD will be issued.

Existing non-motorized system trail Forest Orders are not changed by this decision, but if necessary, re-issuance of the existing Forest Orders or prohibitions based on this decision is appropriate.

2.2 RATIONALE FOR DECISION

I selected Alternative B Modified because it provides sustainable natural and cultural resource management while providing a mix of recreation opportunities that responds to the diverse preferences expressed by both motorized and non-motorized users. Alternative B Modified provides resource and cultural considerations incorporated in response to public comments, such as not designating the Picket Pin Sawmill roads due to water quality concerns, which are not included in Alternative B. In addition, recreation opportunities identified through public comments on the DEIS, for example motorcycle use of Meyers Creek and Lodgepole Creek trails, that are not included in Alternative B have been incorporated into Alternative B Modified. Alternative C provides many of the natural and cultural resource considerations provided in Alternative B Modified, but I do not feel that it responds well to the interests expressed by motorized recreationists. Conversely, Alternative A does not respond well to the interests expressed by the non-motorized community, and it does not provide the level of natural and cultural resource sustainability reflected by the other action alternatives.

Alternative B Modified includes specific alternative designs beyond those found in the original proposed action alternatives that will result in a reduction of ongoing and potential impacts to historic properties of traditional, religious, and cultural importance to affected tribes, especially the Crow tribe (see FEIS Chapter 2 Alternative B Modified description). It also considerably reduces the potential for direct and indirect effects on archaeological sites and Traditional Cultural Properties compared to no action. This was an important consideration in my decision-making.

I would like to share my observations regarding what I heard and read from the public comments (see FEIS Chapter 5) and in discussions with various interested parties. Motorized users commented they believe there is enough Wilderness in Montana and that they are being closed out of many other areas. Many suggested that non-motorized users should go to the Absoraka-Beartooth Wilderness to enjoy a non-motorized experience. Non-motorized users commented that the motorized users have the majority of the area in the Pryor Unit and there should be more balance by identifying some large blocks of land for non-motorized uses in that land unit. Both types of users often expressed the feeling that the other user has enough area or should go somewhere else to recreate. Many non-motorized users expressed concerns that motorized

vehicles degrade the quality of their experience. At the same time, many motorized users expressed concerns that many non-motorized users do not value motorized recreation such as riding a motorcycle or an ATV. For the motorized users, having several routes in an area that could be linked together was highly desirable. There were others who made suggestions for compromise and their comments were greatly appreciated and were helpful in working towards this decision.

In reaching this decision, I have focused on finding a mix of non-motorized and motorized recreation opportunities that responds to the interests expressed by these diverse user groups, especially for the Pryor Unit. I considered the broad range of preferences expressed throughout this process related to motorized and non-motorized recreation opportunities. My decision will reduce the number of miles of motorized opportunities available compared to the existing condition, but not to the extent sought by some individuals and groups. This is especially true for the Pryor Unit. My decision provides an increase in the amount of non-motorized Recreation Opportunity Spectrum (ROS) settings compared to the existing condition in the Pryor Unit, more than some recreationists feel is appropriate given the large percentage of Wilderness on the Beartooth Unit. For every route designation proposal or proposal not to designate a route, there was an opposing preference and commensurate trade-off. I ultimately selected Alternative B Modified because I believe, based on the FEIS, it will provide for the sustainability of natural and cultural resources, and provide a combination of recreation opportunities that responds best to the diverse user preferences.

Alternative B Modified also represents a compromise on the number of miles of motorized trails and mixed use routes available for OHV operation – a compromise between forest visitors that want more OHV opportunities, represented by Alternative A, and forest visitors that prefer less, represented by Alternative C. Similarly, selection of Alternative B Modified represents a compromise on disturbance associated with noise, especially in the Pryors - between providing motorized opportunities and opportunities for solitude.

Recreational users, whether motorized or non-motorized, have expressed a desire for a spectrum of recreational experiences, ranging from easier, more accessible, but likely busier routes, to more challenging, more remote routes which provide a greater sense of isolation or solitude. Without effective travel management by the Forest Service, unmanaged recreation could result in the loss of certain opportunities within that spectrum. My decision will provide a range of such opportunities.

While listening to public feedback on the DEIS, it became clear that the recreation use numbers included in the document became a focal point, and those numbers were quoted in many responses, each using those numbers to support disparate points of view. Many of those comments suggested that different numbers needed to be used in various formulas to assign miles of routes to either motorized or non-motorized designations and thereby assure “equity” between these two uses. These numbers were the best available data and were used for the economics analysis of impacts, and were provided to assist the reader in understanding general trends. I acknowledge the limitations of this information, but it does represent some of the best available information on Forest use.

I do not feel that it is possible to approach travel management through application of formulas. Rather, route designations are dependent on other parameters such as the limitations of the natural

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and physical resources, sustainability of resources, and opportunities to meet social expectations. They are somewhat dependent on historical distribution and use that was also dictated by similar parameters. More recent increased pressure and demands for recreational use has resulted in the need to more actively manage recreation use, so that a spectrum of high quality recreation experiences will be available for all recreation users for years to come.

Therefore, my decision reflects a management strategy that implements the current Forest Plan, including acceptance of the level of motorized use outlined in Alternative B Modified. I expect that the process to revise the Forest Plan, anticipated to begin within the next few years, will result in more specific direction for management of the District, especially the Pryor Unit. Until the Forest revisits overall management direction for the Pryor Unit through the Forest Plan revision process, I do not expect dramatic changes in the transportation system.

Several important resource issues were considered in the analysis, including water quality; fisheries and aquatics; soils; vegetation including noxious weeds and sensitive plants; a number of wildlife species including grizzly bear, wolves, and lynx; inventoried roadless areas, and economics. In many cases, there were no significant differences between the alternatives based on impact indicators for the above resources, especially between Alternatives B, C, and B Modified. Many times all three of these alternatives fell below identified thresholds, or reduced impacts on a resource when compared to no action and the existing condition, although each may have done so to a different degree. However, Alternative B Modified did provide more actions that addressed site specific water quality, fisheries, and soils concerns than any of the other alternatives, which was an influence on my decision-making (see FEIS Chapter 2 Alternative B Modified description).

Another reason I selected Alternative B Modified is that it has the best mix and most scientifically supportable season of use designations of all the alternatives. In the Pryor Unit, there would be two seasons of use to address the primary concern with route braiding and associated effects during the spring thaw, when vehicle operators may be tempted to drive off road to go around snow banks or wet spots in routes. These would include a 5/22 to 4/15 season of use for areas with a generally southern exposure and 6/15 to 4/15 date for areas with a more northerly exposure. This last season of use would also address the Bureau of Land Management's concerns about vehicles accessing Sykes Road in the spring before it is suitable for driving (see Project Record). I also prefer Alternative B Modified because it responds to users requests to keep Meyers Creek and Lodgepole Creek trails available for motorcycle use, but includes a season of use designation of 6/15 to 12/1. This reduces concerns about motorized disturbance of wintering big game and moose calving in the vicinity of the trails, and provides a non-motorized experience during the motorized restricted period.

The public identified the concept of contingent designation in their comments (see FEIS Chapter 5). They suggested deferring designation of desired motorized routes until identified resource issues were mitigated, rather than completely foregoing designation of the route. The IDT considered this option on multiple routes and identified employing this concept at four particular locations, as stated above in the Decision section. One of these sites was of particular interest to me in making my decision – Burnt Mountain.

The State of Montana Department of Natural Resources and Conservation (DNRC) worked with the Forest to find a legal access for DNRC staff to get to a large tract of state land in the Red

Lodge Creek area. We cooperatively identified the best existing route for this access – a non-system route known as Burnt Mountain (#21415). However, this route crosses a fork of Red Lodge Creek known to contain populations of Yellowstone Cutthroat Trout and is contributing sediment to the creek. My decision is to convert this route to a system road and identify it for administrative use only contingent upon satisfactory mitigation of the routes effects on the stream course and habitat. I think this is a reasonable solution provided for in Alternative B Modified that addresses the Forest’s concerns and provides the access needed by the DNRC.

The preliminary assessment of motorized mixed use identified in Alternative B Modified indicates there are no extraordinary safety concerns with these designations. I have decided to designate the motorized mixed use as proposed in that alternative, contingent upon completion of the motorized mixed use analysis. If the motorized mixed use analysis determines that any of the routes are not reasonably safe for motorized mixed use, the route will only be designated for highway legal vehicle use.

The analysis and decision processes for this project are based on the consideration of the best available science. The manner in which best available science is used can be found throughout the ROD, DEIS, FEIS, Response to Comments, Biological Assessments, and the project file.

Finally, my decision fits well with the agency’s overall goal to manage recreation opportunities on National Forest lands for the benefit of all users and in a way that sustains natural resources. American citizens have the right to use their Federal public lands, but in responsible and sustainable ways – ways that do not diminish the current or future use for everyone. My goal throughout this effort, especially in the numerous public meetings, was to work with all the myriad stakeholders concerned with the District to find an alternative that would sustain resources and provide a diverse set of recreation opportunities that satisfies the needs of most public interests, which Alternative B Modified accomplishes. As indicated in the public involvement section of FEIS Chapter 2, I believe the Forest Service adequately engaged interested publics and other agencies in developing the proposed action and throughout the NEPA process (36 CFR 212.52).

2.2.1 Meets the Purpose and Need

In developing the rationale for my decision, I have **addressed the “Needs”** as displayed in detail in Chapter 2 of the FEIS. In addition, I have displayed the **demonstrable benefits** of Alternative B Modified that were assessed in an interdisciplinary manner and those brought forward from public input.

1. Alternative B Modified will fulfill the need to comply with the 2005 Motorized Travel Rule and 2001 Tri-State OHV Decision to do site-specific analysis and designation of motorized roads and trails, including type of vehicle and season of use designations.
2. It will also address the need to add motorized routes to the National Forest system road network that access or are within developed sites like campgrounds, recreation residence tracts, trailheads, and day use areas on the District by designating all necessary existing routes associated with these sites.
3. Alternative B Modified addresses the need to enhance the District’s ability to enforce travel management restrictions by providing clear and route-specific guidance for motorized and non-motorized trail use.

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4. The selected alternative will provide managed motorized recreation on the District by designating motorized routes, as well as eliminating confusion about whether routes are system or non-system, and the mode of transportation that is acceptable on the route.

3. PUBLIC PARTICIPATION SUMMARY

Chapter 2 details the public participation to date. The initial scoping document (Project Record) was sent on February 2, 2004 to approximately 91 individuals, government agencies, tribal governments, news media, businesses, and organizations that have shown interest in similar projects on the Custer National Forest. The public comment period ended on May 1, 2004. A legal advertisement inviting comments was placed in the Billings Gazette (Billings, MT) in February 2, 2004, summarizing the information provided in the document. News releases were sent to local newspapers.

Public meetings were held in Red Lodge, Pryor, Bridger, Billings, and Columbus, Montana and Lovell, Wyoming in February 2004 to discuss the scoping document. Public meetings were also held in Red Lodge, Bridger, Billings, and Columbus, Montana and Lovell, Wyoming in July 2006.

Seven collaboration meetings were held over a period of four months in early 2007 (January through April). The attendance at the collaboration sessions ranged from 65 to 159 individuals. The attendees worked together during these seven half day sessions reviewing information and maps to identify points of agreement. While no specific collaborative alternative was developed, several points of agreement on roads and trails were reached (see Chapter 2, Table 2-1).

In response to these efforts, over 5000 letters, personal comments, or phone calls were received. Collaborative group session information was documented and reviewed. The analysis of electronic, written and verbal comments preliminarily identified several potential issues. The issues identified as significant issues and were used to formulate the alternatives.

A Notice of Availability for the Draft EIS was published in the Federal Register, and a 60 day comment period was provided. Also, a news release was provided to local news media at the beginning of the DEIS comment period.

3.1 ACKNOWLEDGEMENT AND INVITATION

I appreciate all the energy and dedication that the members of the public have demonstrated through this travel management planning process, and I encourage you to stay with us, and to **remain engaged** when we begin the next generation/step of the planning process at the Forest Plan revision level, which is expected to begin in the next few years. That process will help us to further refine our management direction for both the Pryor and Beartooth units.

I also want to acknowledge that many of you indicated a willingness to help implement this decision. I plan to involve you during implementation and look forward to working with you.

4. ENVIRONMENTAL ISSUES CONSIDERED

The issues developed through scoping reflect respondents' concerns about the environmental, cultural, economic, and social impacts that may result from travel management on the District. Combining public and agency response with Forest Service knowledge of the resources within the project area, the following issues related to District travel management planning were identified as significant issues:

Recreation

- Concern about motorized recreation opportunities
- Concern about non-motorized recreation opportunities
- Concern about opportunities for off-highway vehicle operation
- Concern about impacts on personal recreation experiences
- Concern about the impacts of noise from motorized recreation activities

Cultural Resources

- Concern about the protection of archeological sites, traditional cultural properties, and traditional practices.

The following issue categories were determined not to be significant issues because they did not drive development of alternatives or major components of alternatives, there were no significant effects associated with the proposed actions, or both. These issue categories were considered in the FEIS for analysis purposes.

- Water Quality, Fisheries, and Aquatics
- Wildlife
- Soils
- Vegetation
- Inventoried Roadless Areas
- Economics
- Air Quality

5. ALTERNATIVES CONSIDERED IN DETAIL

In response to agency and public issues, four action alternatives were developed. Alternatives A, B, C, and B Modified were analyzed in detail along with the No Action Alternative. A general description of each of the alternatives is provided below. Specific information on the elements of each alternative is provided in Chapter 2 of the FEIS and in the FEIS Map Package.

5.1 ALTERNATIVE A

Under this alternative, the recreation experience in slightly less than three-quarters of the Pryor Unit would have a motorized recreation experience emphasis based on Recreation Opportunity Spectrum criteria. OHV riders and drivers would find a diversity of terrain, as well as, quality of trails and roads to experience. OHV users would have multiple options for loop experiences, especially on Big Pryor Mountain. The primary use is expected to be families and groups out for day long rides of 20-60 miles, for sightseeing, picnicking, and non-technical riding. On weekends, riders could expect to encounter other groups of riders throughout the day. Hikers,

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bicyclists, and horseback riders using portions of the Pryor Unit, are likely to hear or see OHVs during portions of their travels.

Recreationists' experiences in the Beartooth Unit are not expected to be appreciably different than the No Action Alternative.

Alternative A would propose to designate public motorized use on the majority of routes (system and non-system) identified during the 1999-2000 inventory. The only roads that would not be designated for public motorized use under this alternative would be those identified for administrative uses, those that the Forest Service does not have a legal right-of-way for use, and one road that has revegetated and no longer exists (see FEIS Appendix C for more information on these).

This alternative approximates the existing condition (e.g. use of existing system and non-system routes). The majority of routes not included in this alternative (32 of 34 miles) represent routes for which the Forest Service has no legal right-of-way for public access (access is only via private lands). Technically, these routes are not currently part of the existing motorized network of routes available for legal public use.

This alternative largely reflects the motorized road and trail elements of an alternative submitted by the Custer Partnership, a coalition of area groups interested in this project, including Families for Outdoor Recreation, Treasure State ATV, and other individuals. Other elements in the group's proposal were not included in Alternative A because they were outside the scope of the analysis (e.g. construction) or were not consistent with guidance related to the 2005 Motorized Travel Rule (e.g. designation of roads with no legal right-of-way).

5.2 ALTERNATIVE B

OHV recreationists would find multiple motorized loop opportunities in the Pryor Unit for year-round use under this alternative – approximately two-thirds of the unit would be in motorized settings. In addition, several seasonal, high-elevation loops would be available for their use during the June 15-April 15 season of use for the Pryor Unit. Vehicle operators would find many choices for day-long rides during the majority of the year that offer a diversity of terrain, but may find it slightly more difficult to find these opportunities from April 15-June 15 during spring thaw.

Hikers and horseback riders would find large areas or “enclaves” in the Pryor Unit with very little motorized use, including portions of Big Pryor Mountain, Punchbowl, and Lost Water Canyon. These areas would expand dramatically in size during the time of year when motorized use is prohibited at higher elevations (April 15-June 15). Recreationists could expect to take day-long hikes or horseback rides without hearing or seeing OHVs during the April 15-June 15 period; but may have a little more difficulty finding this type of experience the remainder of the year.

Pack and saddle stock users could still expect to find many opportunities for riding and camping in the Beartooth Unit, and could expect to use the Meyers Creek and Lodgepole Creek areas without hearing or seeing motorized use.

Motorcyclists could expect to have opportunities to ride in both the Beartooth and Pryor units, but would not find opportunities for single track motorcycle experiences.

This alternative specifically addresses key resource concerns identified through internal and external scoping by not designating routes for public motorized use where concerns exist (see below). This alternative identifies slightly less motorized routes than no action for designation, but more than Alternative C.

The primary resource concerns that are addressed by this alternative include:

- In Alternative B, the Dryhead Vista Loop (Road #2308B) would not be designated for public motorized use or administrative use, and would be converted to a non-motorized system trail. Forest visitors would be able to access the vista through non-motorized means. This action is being proposed to minimize impacts to traditional cultural practices in the area that are easily disturbed by motorized vehicle access and/or vandalism.
- The 300 foot access to dispersed camping allowance would not apply to the Main Fork of Rock Creek (Road #2421). Dispersed vehicle camping would continue to be allowed, but measures would be used to limit the expansion of existing sites and the creation of new sites to minimize impacts on cultural and natural resources.
- Portions of routes where cultural resources are of concern were removed from designation consideration due to potential of continued site degradation and vandalism. (See route specific information in FEIS Appendix C.)
- Portions of routes where soil and water resources are of concern were removed from designation consideration due to unacceptable erosion with little opportunity for engineered drainage without extremely high investment. (See route specific information in FEIS Appendix C.)
- Meyers Creek (Trail #27) and Lodgepole (Trail #22) trails were proposed not to be designated for motorized travel in favor of non-motorized opportunities and wildlife habitat emphasis.
- Season of use designations on roads above approximately 8,000 feet elevation were proposed to minimize road and resource damage during spring breakup or thawing of frozen soils and snow melt.

5.3 *ALTERNATIVE C*

Under this alternative, the majority of the Pryor Unit would have larger areas or “enclaves” with very little motorized use. Approximately half of the unit would be in motorized settings and half in non-motorized settings. Recreationists could expect that more effort would be required to walk or ride to certain destinations – for example Bear Canyon, King Canyon, and the Punchbowl area – and certain activities, such as hunting, could be expected to require more effort to find game. There would be multiple opportunities to walk, ride a horse, or mountain bike without seeing or hearing OHVs on adjacent ridges. You might encounter the occasional motorized vehicle being utilized for weed spraying or grazing permit administration on roads and trails identified for administrative uses.

Recreationists accustomed to dispersed vehicle camping would find less opportunities and fewer desirable sites for this activity since fewer motorized routes would be designated and access to dispersed vehicle camping sites within 300 feet of motorized routes would not be allowed under this alternative.

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Pack and saddle stock users could still expect to find many opportunities for riding and camping in the Beartooth Unit, and could expect to use the Meyers Creek and Lodgepole Creek areas without hearing or seeing motorized use.

Motorcyclists could expect to have opportunities to ride in both the Beartooth and Pryor units, but would not find opportunities for single track motorcycle experiences.

The Pryor Unit portion of this alternative basically reflects the alternative proposed by the Pryors Coalition, a coalition of groups including the Eastern Wildlands Chapter of the Montana Wilderness Association, Yellowstone Valley Audubon Society, Our Montana, Inc., The Frontier Heritage Alliance, and Beartooth Back Country Horsemen. However, not every element of the proposal was included in the alternative analyzed for this project. The primary difference is exclusion of the game retrieval season of use for Punchbowl Road (see FEIS sections 2.6.3 and 2.6.8 for more information).

5.4 NO ACTION ALTERNATIVE

The No Action Alternative consists of designation of the existing system roads¹ on the District. This is different from Alternative A (existing condition) which proposes to designate both existing system and non-system routes. This No Action Alternative largely reflects the set of system roads identified in the 1987 Travel Plan along with modifications that have been made to the system since 1987. The No Action Alternative also includes the existing vehicle types and seasons of use currently in force on the District (see FEIS Table 2-6 for details).

Designation of the existing network of system roads would not require any further NEPA and represents the starting point for any proposed changes to the routes or areas available for public motorized use. Based on this information, no action was determined to be designation of the existing system roads and trails.

5.5 ALTERNATIVE B MODIFIED (PREFERRED ALTERNATIVE)

Alternative B was modified in response to the public and internal comments to create Alternative B Modified. Alternative B Modified contains many of the same elements as Alternative B and would provide many of the same types of experiences. The elements of Alternative B Modified different from Alternative B are described in the Table 1, and provided in further detail in FEIS Appendix C.

¹ The decision to use existing system roads as the foundation for no action stems from 2005 Motorized Travel Rule guidance, including the following:

- The *Travel Management: Designated Routes and Areas for Motorized Use* guide prepared by the Forest Service to aid in implementing the 2005 Motorized Travel Rule affirms that the starting point for travel analyses is the current network of system roads.
- The *Motor Vehicle Route and Area Designation Guide* (version 111705) states, “There is no need to initiate a NEPA process to designate those NFS roads, NFS trails, and areas on NFS lands that are already managed for motor vehicle use where that use will continue unchanged, or to retain existing restrictions on motor vehicle use.”

Table 1. Alternative B Modified Elements Different From Alternative B and Rationale for Modification.

Alternative B Modified	Alternative B	Rationale for Modification
Meyers Creek (Trail #27) and Lodgepole (Trail #22) trails would be designated as motorcycle trails with a season of use of June 15 to December 1.	Meyers Creek and Lodgepole trails would be converted from motorcycle trails to non-motorized trails.	In response to public comment, these trails are proposed to remain motorcycle trails in order to continue to provide this opportunity on the District. The season of use is to address concerns about disturbance to moose calving and mule deer winter range, and would have the additional benefit of providing spring and early summer season, low elevation non-motorized trail opportunities.
A 2.2 mile section of Shriver Peak Road (#2088) would not be designated for public motorized use (see Alternative B-Modified map).	The entire length of Shriver Peak Road would be designated for public motorized use.	This action is intended to reduce potential for impacts on cultural resources and traditional cultural practices, and would provide additional area for district-wide non-motorized recreation opportunities.
The season of use dates for the following routes in the Pryors would be adjusted to 5/22 to 4/15: <ul style="list-style-type: none"> Roads and motorized trails on Big Pryor Mountain previously identified with a season of use of 6/15 to 4/1. Pryor Mountain Road (#2038) from the junction with Crooked Creek Road to the Dryhead Vista. Commissary Ridge Road (#2092). Island Ridge Road (#2093). 	These routes would have a season of use of 6/15 to 4/15.	The change reflects more accurate information used to develop the dates and due to the fact that these routes area generally located in lands with a southern aspect that result in more rapid snowmelt and soil drying.
The eastern most approximate ½ mile of Punch Bowl Road (#2144) would be designated for vehicles less than 50 inches in width contingent upon the completion of trail maintenance work necessary to alleviate soils and water resource concerns with that section of trail.	Route would not be designated for public motorized use.	This change is being proposed in response to public comment and for the following reasons: Route was not proposed to be designated in Alt. B because of costly mitigation necessary to correct resource issues. If these resource issues are addressed, no other issues were identified that would prevent designation.
Road #21415 would be converted from non-system to system road, and identified for administrative use only.	Route would be identified for non-motorized trail use.	This route would be designated in response to coordination efforts with the State of Montana Department of Natural Resources and Conservation to provide motorized access to state lands.
Graham Trail (#2013) would be designated as a trail open to all OHVs.	Road would not be designated for public motorized use.	Commenters indicated this route was in better condition and preferable to other routes in the vicinity.
Piney Creek (#2012) east of the quarry would not be designated for public motorized use.	Road would be designated for public motorized use.	This route would be dropped in response to designating the adjacent Graham Trail. These two changes would keep the overall number of routes the same as Alternative B, consolidate designated routes into a more confined corridor, and increase the size of a consolidated defacto non-motorized area.

Table 1. Alternative B Modified Elements Different From Alternative B and Rationale for Modification.

Alternative B Modified	Alternative B	Rationale for Modification
The southern ¾ mile of Commissary Ridge (#2092) would be designated for public motorized use.	Portion of road would not be designated.	This change is being proposed in response to public comment and because there are no identified resource concerns with designating the route.
The first ½ mile of Roberts Bench (#20972) beginning at the junction with Punch Bowl Road (#2144) would be designated for public motorized mixed use, but the remainder of the route would not be designated.	Entire route would be designated for motorized use.	Fence was constructed across the route in the past preventing motorized use of the full route, which also reduces concerns about potential impacts to heritage resources beyond the fence line.
Picket Pin Sawmill Roads #21401A and #21401B would not be designated for public motorized use.	These two routes would be designated for public motorized use.	Not designating these routes will help reduce the routes impact on water quality. This issue was highlighted by commenters.
Road #241412 would not be designated for public motorized use.	This route would be designated for public motorized use.	Not designating this route will help reduce the routes impact on water quality. This issue was highlighted by commenters.
Picket Pin Spur #21407 would be designated for public motorized use contingent upon the completion of road maintenance work necessary to alleviate water resource concerns associated with the route.	This route would be designated for public motorized use.	Not designating this route until mitigation is completed will help reduce the routes impact on water quality. This issue was highlighted by commenters.
The season of use for Picket Pin Road (#2140) would be yearlong.	Season of use would be July 16 to March 31 to be consistent with Gallatin National Forest.	The need for a season of use on Picket Pin Road is on the Gallatin National Forest. There are no resource concerns that necessitate a season of use on the Custer National Forest’s portion of Picket Pin Road.
No pack and saddle stock restrictions are proposed for the Lake Fork, Lost Lake, Lake Mary, Keyser Brown, or Crow Lake trails.	Pack and saddle stock restrictions are proposed for the Lake Fork, Lost Lake, Lake Mary, Keyser Brown, or Crow Lake trails.	In response to public input, the Forest determined that resource issues may be more effectively and appropriately addressed through site-specific Forest Order closures, additional Wilderness management planning, and/or other mechanisms.
Nichols Creek (#2478) would be identified as administrative use only.	Nichols Creek would not be designated and would be identified as a ML 1 system road.	The District has identified administrative needs for this route.
The following roads in the vicinity of the upper end of the Benbow and Stillwater Plateau Trailhead areas would be designated for public motorized use contingent upon obtaining a legal right-of-way to access them. Benbow (#2414) (.08 miles) Benbow-Stillwater Road (#2014) #20142 The Golf Course (#20144) Stillwater Plateau Trailhead (#20144B)	Roads would be designated for public motorized use.	There is no legal right-of-way to the identified roads. However, it is desirable to obtain a right-of-way to provide access Stillwater Plateau Trailhead.

Table 1. Alternative B Modified Elements Different From Alternative B and Rationale for Modification.

Alternative B Modified	Alternative B	Rationale for Modification																
<p>The following routes in Tie Flats, Beaverslide, and Punchbowl areas would be designated for public motorized mixed use (see Alternative B-Modified map):</p> <table> <tr> <td>#2097A-Guard Station Green Cabin</td> <td>#2097-Beaverslide</td> </tr> <tr> <td>#2144-Sage Creek Road (4 mile section)</td> <td>#20972-Roberts Bench</td> </tr> <tr> <td>#2073-Stephens Draw (2 mile section)</td> <td>#2104-Tie Flats</td> </tr> <tr> <td>#2073H</td> <td>#2104A</td> </tr> <tr> <td>#2085-Crooked Creek Road (1.24 mile section)</td> <td>#2002</td> </tr> <tr> <td>#2308-Pryor Mountain Road (0.84 mile section)</td> <td>#2002A</td> </tr> <tr> <td>#2308C</td> <td>#2002A1</td> </tr> <tr> <td>#230811</td> <td></td> </tr> </table>	#2097A-Guard Station Green Cabin	#2097-Beaverslide	#2144-Sage Creek Road (4 mile section)	#20972-Roberts Bench	#2073-Stephens Draw (2 mile section)	#2104-Tie Flats	#2073H	#2104A	#2085-Crooked Creek Road (1.24 mile section)	#2002	#2308-Pryor Mountain Road (0.84 mile section)	#2002A	#2308C	#2002A1	#230811		The subject routes would be designated for highway legal vehicles.	In response to public comment, these routes would be changed from a highway legal vehicle designation to mixed motorized use to provide additional motorized recreation opportunities. A few of the listed routes are improved roads and lend themselves to a mixed motorized use designation than a motorized trail designation. Therefore, this network is proposed to for mixed motorized use designation.
#2097A-Guard Station Green Cabin	#2097-Beaverslide																	
#2144-Sage Creek Road (4 mile section)	#20972-Roberts Bench																	
#2073-Stephens Draw (2 mile section)	#2104-Tie Flats																	
#2073H	#2104A																	
#2085-Crooked Creek Road (1.24 mile section)	#2002																	
#2308-Pryor Mountain Road (0.84 mile section)	#2002A																	
#2308C	#2002A1																	
#230811																		
The Burnt Timber Road (#2849) would be designated for motorized mixed use.	Burnt Timber Road would be designated for highway legal vehicles.	This route would be designated as mixed motorized use to provide consistency where the route connects to BLM routes.																
A 1.24 mile section of Crooked Creek Road (#2085) (see Alternative B-Modified map) would be designated for motorized mixed use.	The subject portion of Crooked Creek Road would be designated for highway legal vehicles.	This segment of Crooked Creek Road would be designated as mixed motorized use to provide a loop opportunity for unlicensed vehicles using the proposed #2096 motorized trail. Unlicensed vehicles would be able to travel south on Crooked Creek Road to BLM land where there would be multiple opportunities for loops.																
The Benbow Jeep Trail (#2415) would be designated for motorized mixed use.	Benbow Jeep Trail would be designated for highway legal vehicles.	In response to public comment, this route would be changed from a highway legal vehicle designation to mixed motorized use to provide an additional motorized recreation opportunity.																
A 2.2 mile section of Shriver Peak Road (#2088) west of Crater Ice Cave and east of its junction with 2095A would not be designated for public motorized use.	This portion of Shriver Peak Road would be designated for motorized use.	This action is proposed in response to public comment and concerns about cultural resources.																

The following tables are intended to provide readers with comparative information about the alternatives that is not strictly focused on changes from no action. For the action alternatives, the figures in the tables represent the total miles available under each table category if that alternative is implemented. The figures used for the No Action Alternative represent the current miles for each of the categories listed.

Table 3. Summary of Miles of Roads and Trails by Alternative

Route Designation		Alternative A	Alternative B	Alternative C	No Action	Modified Alternative B
National Forest System Roads	Designated for public motorized use	225	211	198	279	210
	Administrative use only	42	51	65	29	53
	Not designated	21	44	72	19	44
Non-System Routes	Not converted to system roads or trails	19	56	76	91	57
National Forest System Trails	Non-motorized use	279	286	289	273	279
	Designated for public motorized use	118	53	0	8	58

Table 4. Summary of Miles of System Roads and Trails by Type of Public Use Designation by Alternative

Type of Use	Alternative A	Alternative B	Alternative C	No Action	Modified Alternative B
Road Designation Type					
All types allowed (motorized mixed use)	28	27	0	0	52
Highway legal vehicles	197	185	198	279	158
Subtotal	225	212	198	279	210
Motorized Trail Designation Type					
All types allowed	110	50	0	0	49
Less than 50 inches only	2	2	0	2	2
Motorcycles only	6	0	0	6	6
Subtotal	118	52	0	8	57
Motorized - Total Miles	341	261	198	287	267
Non-Motorized Trail Designation Type					
All types allowed	91	98	96	88	88
Pedestrian/hiking use only	8	9	9	6	6
Pedestrian/hiking, and pack and saddle stock use only	177	177	183	177	176
Pedestrian/hiking and mechanized use only	3	3	0	3	3
Non-Motorized - Total Miles	279	287	288	274	273

Table 5. Miles of System Roads and Trails Designated for Public Motorized Use by Proposed Season of Use Designation for each Alternative

Season of Use	Alternative A	Alternative B	Alternative C	No Action	Modified Alternative B
Yearlong	310	167	148	269	177
April 15 – December 1 (Wildlife - Robertson Draw; Winter Recreation - Routes added off of West Fork of Rock Creek and Ingles Creek)	15	19	15	15	19
May 15 – March 8 (Spring Thaw - Red Lodge Creek)	0	0	0	0	3

Table 5. Miles of System Roads and Trails Designated for Public Motorized Use by Proposed Season of Use Designation for each Alternative

Season of Use	Alternative A	Alternative B	Alternative C	No Action	Modified Alternative B
May 15 – September 30 (Protection - Ten Gated Campgrounds)	7	7	7	0	7
May 22 – April 15 (Spring Thaw - Pryors High Elevation)	0	0	0	0	43
June 15 – April 15 (Spring Thaw- Pryors High Elevation)	0	60	19	0	15
June 15 – December 1 (Wildlife – Meyer/Lodgepole)	0	0	0	0	6
June 30 – September 1 (Timber Sale Mitigation - Mill Hollow)	0	0	0	3	0
July 16 – March 31 (Consistency with Gallatin NF)	12	12	7	0	0

Table 6. Miles of non-motorized system trails with pack and saddle stock day-use restrictions for each alternative.

Season of Use	Alternative A	Alternative B	Alternative C	No Action	Modified Alternative B
Day Use – Pack and Saddle Stock	0	12	12	0	0

6. ALTERNATIVES CONSIDERED BUT DROPPED FROM DETAILED ANALYSIS

Federal agencies are required by NEPA to rigorously explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). Public comments received in response to the Proposed Action provided suggestions for alternative methods for achieving the purpose and need. Some of these alternatives may have been outside the scope of travel management, duplicative of the alternatives considered in detail, incorporated into alternatives considered in detail, determined to be components that would cause unnecessary environmental harm, or are already addressed by law, regulation or policy. Therefore, a number of alternatives were considered, but dismissed from detailed consideration. These included land zoning for quiet areas, route construction, game retrieval season of use on Punchbowl Road, converting all non-wilderness trails to include motorcycle use, use of the Custer Roads Analysis for alternative development, converting all roads to Mixed Motorized Use Roads or Trails Open to All Vehicles, not designating routes in areas with high and moderate soil hazards, creating an alternative that established seasons of use to avoid road closures in response to wildlife road density concerns, and specific alternatives proposed by organizations. Rationale for dismissal is found in Chapter 2 of the FEIS.

7. MONITORING

Monitoring and evaluation could be used to determine if the physical, biological, social, and economic effects of implementing any alternative occur as predicted. Monitoring may be conducted by sampling a range of projects from the entire Beartooth Ranger District as outlined in the Forest Plan monitoring section. The following table outlines Forest Plan criteria for evaluating the effects of implementation, which is consistent with direction in the 2005 Motorized Travel Rule (36 CFR 212.57).

Table 7. Forest Plan Monitoring Items Relevant for Travel Management

Monitoring Item	Data Source	Monitoring Objective	Variability Which Would Initiate Further Evaluation	Corrective Measures
Off-road-vehicle use and damage and Travel Plan effectiveness. (A-3).	Travel Plan violation and incident reports, number of variances granted.	To determine compliance with travel plan direction (and, therefore, effectiveness in achieving resource protection objectives). To assist in determination of effectiveness of restriction methods, public understanding of travel plan direction.	Conflicts with Forest Management Area goals.	Review situation for change in implementation techniques such as signing, barriers, public contacts, etc.

8. ENVIRONMENTALLY PREFERRED ALTERNATIVE

The Council on Environmental Quality regulations implementing NEPA, in section 1505.2(b), requires that, in cases where an EIS has been prepared, the Record of Decision (ROD) must identify all alternatives that were considered, ". . . specifying the alternative or alternatives which were considered to be environmentally preferable." The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources.

Several important issues were considered in the analysis, including water quality; fisheries and aquatics; soils; vegetation including noxious weeds and sensitive plants; a number of wildlife species including grizzly bear, wolves, and lynx; cultural resources, inventoried roadless areas, and economics. In many cases, there were no significant differences between the alternatives based on impact indicators for the above resources. Many times the effects of the alternatives were below identified thresholds, or reduced impacts on a resource when compared to no action and the existing condition, although each may have done so to a different degree.

Strictly considering environmental factors (effects to soil, air, water, wildlife, etc) Alternative C would be considered the environmentally preferred alternative because it designates the fewest miles of designated motorized routes with no allowance for dispersed vehicle camping, and would have the least effects on those environmental factors. However, Alternative B Modified did

provide more actions that addressed site specific water quality, fisheries, wildlife, and soils concerns than any of the other alternatives (i.e. more seasonal restrictions during spring thaw and to reduce wildlife disturbance, and specific route non-designation and contingent designations to mitigate resource concerns). Alternative B Modified includes specific alternative designs beyond those found in the original proposed action alternatives that will result in a reduction of potential impacts to cultural landscapes and traditional cultural practices. I have not selected Alternative C, but rather Alternative B Modified for the reasons discussed in the Rationale for Decision section of the ROD.

9. APPLICATION OF THE DECISION

The actual application of the decision will be through multiple administrative actions, including engineering review and designation of each dual-use route, ordering and placement of signs, development and distribution of travel plan maps, enforcement, and monitoring. A public education and involvement effort is anticipated to ensure public understanding of the decision. Initially, it is expected that signing of the Pryor Unit will be the priority work. The actions associated with this decision will be incrementally implemented as funding and workforce are secured and as the individual actions are incorporated into the Forest Program of Work. Partnership dollars, grants, and volunteer work would be very beneficial in successful implementation of the selected alternative. Implementation activities may also be adjusted based on the periodic evaluation of monitoring findings, resource needs, and management priorities.

There will be some challenges associated with enforcement of the selected alternative. However, I also recognize the tremendous number of people that want this effort to succeed, regardless of your preferred method of travel. It is my hope that much of the energy of so many individuals and groups that has been directed toward this planning process can now be redirected toward implementation on the ground. I recognize and appreciate that there are already offers of assistance on the table. The Custer National Forest cannot do this alone.

10. COMPLIANCE AND CONSISTENCY WITH LAWS, REGULATIONS, AND POLICIES

Where applicable, compliance with laws, regulations, and policies are listed and addressed in various sections of the project record, the Forest Plan, and in specific resource sections in Chapter 3 of the Beartooth Ranger District Travel Management Planning FEIS. My decision to implement Alternative B Modified will comply and be consistent with applicable laws, regulations, and policies including those that follow this paragraph.

10.1 CUSTER NATIONAL FOREST AND NATIONAL GRASSLANDS AND RESOURCE MANAGEMENT PLAN, 1986, AS AMENDED

My decision is consistent with the Forest Plan's goals and objectives and management direction, aside from the minor route-specific guidance that will be removed from the Forest Plan as a part of my decision. The FEIS also includes an evaluation of each resource for consistency with the Forest Plan. This can be found in FEIS Chapter 3 and in the Specialists' Reports that are included in the project record.

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The Custer National Forest and National Grasslands Land and Resource Management Plan were developed through the long-term resource management planning efforts required by the National Forest Management Act, as amended. This very public process set the goals, objectives, and forest-wide and management area standards for the Forest and provides the basis for management of the Forest's resources. Site-specific efforts such as travel management planning address a component of Forest management, but are not intended to be the more comprehensive planning effort associated with Forest-level land management planning. Site-specific efforts like travel management planning must be consistent with the Forest Plan.

The Regional Forester, in the Record of Decision for the Forest Plan, acknowledged the multiple-use challenges the Forest confronts, back when the Plan was signed, as well as today:

“The Forest Service vision of the Custer National Forest is of a Forest managed to benefit the public in harmony with the natural environment. Management direction responds to interested parties, to the effects on peoples lives and to the capability of the land.”

And in the Rationale for selecting the Forest Plan in the Record of Decision, the Regional Forester noted:

“No single factor or individual consideration constitutes the total rationale for my decision. Instead, it was the consideration of many factors and their interrelationships,…”

...“In making this decision, I recognize the limitations of the physical and biological systems, and that the Custer National Forest cannot satisfy every individual or group. (ROD, page 13.)

Further in the Record of Decision, the Regional Forester in summarizing the reasons for regarding the selection of the Forest Plan, notes:

“I believe the Plan provides a management strategy for the Forest that maximizes net public benefit. This is achieved by providing a balance among commodity outputs, thus providing for a reasonable level of local employment while protecting amenity values such as wildlife, fish, scenic quality, and diverse recreation opportunities that are important to area residents. The Forest provides a variety of recreation activities that benefit nearby communities indirectly but the Forest has little control over the total benefits to these areas. Management is within the physical and biological capability of the land.

One of the decisions made in the Record of Decision for the Forest Plan was the allocation of areas to allow for certain types of activities. Forest Plan Management Areas in the analysis area, the Beartooth Ranger District, are B, C, D, E, F, G, H, I, L, M, P, Q, R, and T. Of these, Management Areas H (recommended wilderness), I (Wilderness), and L (Research Natural Areas) generally prohibit roads and motorized trails in them. The other management areas allow/provide for motorized travel within them.

My decision complies with Federal laws and agency policies that provide for the management of inventoried roadless lands:

- Forest Service Manual FSM 1923: Outlines what activities are appropriate in roadless areas that are recommended for wilderness.
- Forest Service Handbook 1909.12 70: Describes the process for identifying and evaluating potential wilderness in the National Forest System. And,
- Forest Service Handbook 1909.15: Provides direction to complete an Environmental

Impact Statement for proposals that would substantially alter the undeveloped character of roadless lands 5,000 acres or greater in size. Although there has been no site specific proposal put forth that would alter the undeveloped character of roadless lands 5,000 acres or greater in size.

My decision is also in compliance with the recently adopted 2005 Final Rule for State Petitions for Inventoried Roadless Area Management (*Roadless Final Rule 5.13.2005 36 CFR Part 294*). This decision will have no impact on the states ability to petition for management changes for the Inventoried Roadless Areas. The summary discussion for the State Petition for Inventoried Roadless Area Management Rule notes that it is imperative that land management must continue forward on a day to day basis and that the agency cannot simply stop making decisions. The discussion also notes that the Department wishes to be clear that the intention is that applicable land management plans and policies will govern during the pendency of a review of a petition.

10.2 2005 MOTORIZED TRAVEL RULE

10.2.1 General Route Designation Criteria

The 2005 Motorized Travel Rule requires consideration of the effects of designating roads, trails and areas on specific resources and components of travel management. The Rule states, “In designating National Forest System roads, National Forest System trails, and areas on the National Forest System lands for motor vehicle use, the responsible official shall consider effects on National Forest System natural and cultural resources, public safety, provision of recreation opportunities, access needs, conflicts among uses of National Forest System lands, the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated; and the availability of resources for that maintenance and administration.” (36 CFR 212.55 (a)).

I have determined that the Forest Service has considered the effects of road and motorized trail designation on the resources identified in the 2005 Motorized Travel Rule based on the analysis and information contained in the FEIS and the project record.

10.2.2 Motorized Trail Designation Criteria

The Rule also contains specific criteria related to designating motorized trails. It states, “In addition to the criteria listed in paragraph [a] of this section, in designating National Forest System trails and areas on National Forest System lands, the responsible official shall consider effects on the following, with the objective of minimizing: (1) Damage to soil, watershed, vegetation, and other forest resources; (2) Harassment of wildlife and significant disruption of wildlife habitats; (3) Conflicts between motor vehicle use and existing or proposed recreation uses of National Forest System lands or neighboring Federal lands; and (4) Conflicts among different classes of motor vehicle uses of National Forest System lands or neighboring Federal lands. In addition, the responsible official shall consider: (5) Compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and others factors.” (36 CFR 212.55 (b))

The objective of Alternative B Modified was to provide additional points of compromise among disparate user preferences while minimizing effects on resources and uses listed above. These resources were considered, as evidenced by the FEIS and project record, and specific measures

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were taken to minimize the effects of route designation where issues were identified. These measures include contingent designations to reduce soil, fisheries, and water quality impacts; avoiding designation of routes clearly contributing to unacceptable resource impacts or to reduce the potential for impacts to cultural resources; season of use designations to reduce the potential for impacts on soil, vegetation, water quality, and wildlife resources, and providing a range of recreation opportunities on the District to minimize user conflicts.

10.2.3 Road Designation Criteria

For roads, the Rule states, “In addition to the criteria in paragraph [a] of this section, in designating National Forest System roads, the responsible official shall consider: (1) Speed, volume, composition, and distribution of traffic on roads; and (2) Compatibility of vehicle class with road geometry and road surfacing” (36 CFR 212.55 (c)).

The motorized mixed use analysis and the project record display that the Forest considered the above items in the route designations contained in Alternative B Modified. This consideration did not identify any issues of significant concern.

10.3 MOTORIZED MIXED USE ANALYSIS (36 CFR 212 AND 36 CFR 261)

As stated previously, the preliminary assessment of motorized mixed use identified in Alternative B Modified indicates there are no extraordinary safety concerns with these designations. I have decided to designate the motorized mixed use as proposed in that alternative, contingent upon completion of a motorized mixed use analysis. If the motorized mixed use analysis determines that any of the routes are not reasonably safe for motorized mixed use, the route will only be designated for highway legal vehicle use.

10.4 MINIMUM ROAD SYSTEM (36 CFR 212.5[B][1])

This travel management planning process has resulted in identification of the minimum road system necessary to meet the utilization (including recreation), protection, and administration needs of the District. Consistent with 36 CFR 212.5(b)(1), this process has involved the “science-based roads analysis” and “broad spectrum of interested and affected citizens, other state and federal agencies, and tribal governments” necessary for determining the minimum road system needed (see Chapters 2 and 3 of the FEIS). In addition, the process has revealed that Alternative B Modified is the minimum “road system determined to be needed to meet resource and other management objectives adopted in the relevant land and resource management plan (36 CFR part 219), to meet applicable statutory and regulatory requirements, to reflect long-term funding expectations, to ensure that the identified system minimizes adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance.” Chapters 1 and 3 of the FEIS identify consistency with the Forest’s land management plan and other statutory and regulatory requirements. FEIS Appendix C, Chapter 2, and Chapter 3 disclose measures proposed in Alternative B Modified to minimize adverse resource impacts and disclose the long-term funding expectations.

10.5 CONSISTENCY WITH ROADS ANALYSIS, 1999

The Forest Scale Roads Analysis for the Custer National Forest (see Project Record) was completed on the Forest in January, 2003 based on this framework. The report highlighted potential impacts of roads

and/or motorized access on wildlife, water quality, cultural resources; right-of-way issues; and potential changes to road management objectives. This analysis helped inform me about potential resource issues associated with system roads and, to a limited extent, with non-system routes.

10.6 FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

My decision will ensure that public lands will be managed in a manner that will protect the quality of the physical and biological components of the ecosystem. Habitats will be conserved and enhanced through this decision and outdoor recreational opportunities will be provided for.

10.7 NATIONAL ENVIRONMENTAL POLICY ACT

The provisions of the National Environmental Policy Act (NEPA) have been followed as required under 40 CFR 1500-1508. The ROD and FEIS comply with the intent and requirements of the NEPA. Alternatives in the EIS were developed and analyzed under full public disclosure. The EIS analyzes an acceptable range of alternatives, including a No Action Alternative. It also discloses the impacts of each alternative and discusses the identified issues. This ROD discusses the decision I have made and the reasons for making the decision.

10.8 MIGRATORY BIRD TREATY ACT

On January 10, 2001, President Clinton signed Executive Order 13186 (16 U.S.C. 7 §§703 et seq. 2001.) that outlines responsibilities of federal agencies to protect migratory birds. Upon review of the information in the Beartooth Travel Management FEIS, I find that my decision complies with this Executive Order.

10.9 NHPA, AMERICAN INDIAN RELIGIOUS FREEDOM ACT, AND NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Since cultural resources are nonrenewable and easily damaged, laws and regulations exist to help protect them. These include the National Historic Preservation Act (NHPA), the Archeological Resources Protection Act (ARPA), the American Indian Religious Freedom Act (AIRFA) and the Native American Graves Protection and Repatriation Act (NAGPRA). Sacred and culturally important places fall under this purview of the NHPA, AIRFA and the Sacred Lands Executive Order (Executive Order 13007). Native American graves are protected under NAGPRA.

Following the *USDA Forest Service policy for NHPA Compliance in Travel Management: Designated Routes for Motor Vehicle Use* (2005), the Forest considered all user developed roads and trails that were proposed for designation and the potential effects of the designation to cultural resources. I found that the selected alternative would preserve and protect the cultural resources.

Coordination with pertinent Tribes has been ongoing in the form of the original project scoping letter, public meetings, agency meetings, letter correspondences and proposed/scheduled field trips which outlined the proposed project specifics and requested any concerns that they may have regarding cultural resources or traditional cultural practices. This coordination effort is intended to insure that any tribal concerns or comments are addressed throughout the NEPA process in regards to NHPA, ARPA, AIRFA, and NAGPRA as well as through Government to Government consultation. I intend to continue this consultation throughout the life of this project.

10.10 ENVIRONMENTAL JUSTICE

No impacts to minority or low-income populations were identified through public comment or effects assessment. I find that my decision does not disproportionately impact minority or low-income populations and is in accordance with Executive Order 12898 (59 FR 32, 1994).

10.11 REHABILITATION ACT OF 1973

Disabled access is provided per the Rehabilitation Act of 1973. Under the Act, an individual with a disability will not, solely by reason of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by the Forest Service. I find that my decision is compatible with the Rehabilitation Act of 1973.

10.12 ENDANGERED SPECIES ACT

There is one listed threatened and one experimental species in the project area – Canada lynx (threatened) and gray wolf (experimental status), respectively. The Biological Assessment concluded that the effects for implementation of the proposed action may affect, not likely to adversely affect Canada lynx because: direct effects would not result from the proposed action; motorized route density in lynx habitat would be 10% of the maximum road density guideline; the potential for encounters with individual lynx would be small; the potential for indirect effects would be negligible and discountable; and, the potential for cumulative effects would be small.

The Biological Assessment concluded that the effects for implementation of the proposed action is not likely to jeopardize the continued existence of the species or result in destruction or adverse modification of proposed critical habitat for gray wolves because wolves in the action area are designated a nonessential experimental population.

The Yellowstone grizzly bear population was determined to be recovered and was delisted effective April 30, 2007 (USDI 2007). The bald eagle was determined to be recovered and was delisted effective August 8, 2007. Consultation on effects of proposed Federal actions on these species is therefore no longer required. Verbal concurrence with effects determinations for Gray wolf and Canada lynx was received from Lou Hanebury of the U.S. Fish and Wildlife Service on March 18, 2008.

Upon review of Chapter 3 of the Beartooth Travel Management FEIS, the wildlife specialist report, the biological evaluation, and the concurrence letter from the USFWS, I find that my decision complies with the ESA.

11. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

Copies of the Beartooth Travel Plan FEIS are available for review at libraries and the Custer NF offices in Billings and Red Lodge. It may also be accessed on the worldwide web through the Custer NF website at <http://www.fs.fed.us/r1/custer/projects/index.shtml>.

Additional printed or electronic (on compact disc) copies of the FEIS and this ROD are available upon request. The supporting project record is available for review at the Custer National Forest Supervisor's Office, 1310 Main St., Billings, Montana, 59105.

This decision is subject to appeal pursuant to 36 CFR Vol. 2 §215.11 (2003). A written appeal pursuant to 36 CFR 215.14 must be submitted within 45 days following the publication date of the legal notice of this decision in the Billings Gazette newspaper, Billings, Montana. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted, or delivered in person between 7:30 a.m. to 4:00 p.m., to either of the following locations:

USDA Forest Service, Northern Region
ATTN: Appeal Deciding Officer
P.O. Box 7669
Missoula, Montana 59807

USDA Forest Service, Northern Region
ATTN: Appeal Deciding Officer
200 East Broadway
Missoula, Montana 59802

Electronic appeals must be submitted to appeals-northern-regional-office@fs.fed.us

In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, WordPerfect, or rich text format (RTF).

It is the appellant's responsibility to provide sufficient project or activity-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR Vol. 2 §215.14 (2003), and include the following information:

- The appellant's name and address, with a telephone number, if available,
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal),
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request,
- The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision,
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, Subpart C,
- Any specific change(s) in the decision that the appellant seeks and the rationale for those changes,

Record of Decision

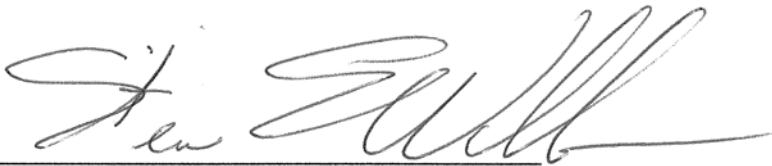
- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement,
- Why the appellant believes the Responsible Official’s decision failed to consider the substantive comments, and,
- How the appellant believes the decision specifically violates law, regulation, or policy.

11.1 IMPLEMENTATION

If no appeal is received, implementation of the decision may occur on, but not before, five (5) business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the fifteenth business day following the date of the last appeal disposition.

11.2 CONTACT PERSON

For additional information concerning this decision or the USFS appeal process, contact Steve E. Williams, Forest Supervisor, Supervisor’s Office, Custer National Forest, 1310 Main Street, Billings, Montana, 59105, 406-657-6200.



Steve E. Williams
Forest Supervisor
Custer National Forest

6/2/08
Date